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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
First session,
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Items 5, 6 and 7 of the provisional agenda

AGENDA, RULES OF PROCEDURE, DATES, DURATION, VENUE OF AND PARTICIPATION AT THE WORLD CONFERENCE

PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

STUDIES AND OTHER DOCUMENTATION FOR THE WORLD CONFERENCE

Recommendations on the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

Report of the Secretary-General

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Introduction

1. At its forty-fifth session, on 18 December 1990, the United Nations General Assembly adopted resolution 45/155, entitled "World Conference on Human Rights". In that resolution, the General Assembly reaffirmed its resolution 44/156 of 15 December 1989, in which, noting the progress made by the United Nations over the past 20 years towards achieving its goal of promoting respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, and that there were still areas in which further progress could be made towards that goal, and considering that, in view of the progress made and the new challenges that lay ahead, it would be appropriate to conduct a review of what had been accomplished through the human rights programme and what remained to be done, the General Assembly had requested the Secretary-General to seek the views of Governments, specialized agencies, non-governmental organizations and United Nations bodies concerned with human rights on the desirability of convening a world conference on human rights for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights. These views were submitted to the General Assembly at its forty-fifth session in document A/45/564.

2. In paragraph 1 of its resolution 45/155, the General Assembly decided to convene at a high level a World Conference on Human Rights in 1993 with the following objectives:

(a) To review and assess the progress that had been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they could be overcome to further progress in this area;

(b) To examine the relation between development and the enjoyment by everyone of eonomic, social and cultural rights, as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone might enjoy these rights as set out in the International Covenants on Human Rights;

(c) To examine ways and means to improve implementation of existing human rights standards and instruments;

(d) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

(e) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

(f) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms.

3. In paragraph 2 of resolution 45/155, the General Assembly decided to establish a preparatory committee for the World Conference on Human Rights, open to all States Members of the United Nations and members of the specialized agencies, and with the participation of observers.

4. In paragraph 8 of the same resolution, the General Assembly requested the Commission on Human Rights and other human rights expert bodies and working groups, to make recommendations to the Preparatory Committee on issues regarding the agenda, date, duration, venue of and participation at the Conference, the preparatory meetings and activities at the international, regional and national levels, which should take place in 1992, and on the desirable studies and other documentation. In paragraph 10, the Assembly requested Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General. The General Assembly also requested the Secretary-General to submit a report to the Preparatory Committee on the contributions made pursuant inter alia to paragraph 10. In accordance with that request the Secretary-General, by notes verbales and letters dated 29 March 1991, requested the recommendations of the above-mentioned organizations. The present document contains the replies received from Governments. Addendum 1 contains replies received from specialized agencies and United Nations bodies and addendum 2 contains replies from non-governmental organizations.

5. As of 10 August 1991, recommendations regarding the work of the Preparatory Committee and the World Conference have been received from the following Governments: Australia, Cuba, the Holy See, Jamaica, Luxembourg (on behalf of the 12 member States of the European Community), Namibia, New Zealand, Norway, Rwanda, Senegal, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Additional Governments have communicated to the Secretary-General their willingness to cooperate in the work of the Preparatory Committee and the World Conference.

6. Substantive replies regarding the work of the Preparatory Committee and the World Conference were also received from the United Nations Educational, Scientific and Cultural Organization, the World Intellectual Property Organization and the Office of the United Nations High Commissioner for Refugees (see addendum 1). In addition, the Commission of the European Communities stated that "as to the opinions and recommendations surrounding the Conference, the Commission strongly supports the priorities outlined ... by the present Presidency - on behalf of the European Community and its member States - in its letter of 27 June 1991" (see the reply of Luxembourg).

7. A number of non-governmental organizations in consultative status with the Economic and Social Council submitted substantive recommendations, which are reproduced in addendum 2.

8. Some replies referred to views and observations contained in General Assembly document A/46/564, which will be made available to the Preparatory Committee

RECOMMENDATIONS SUBMITTED BY GOVERNMENTS

AUSTRALIA

The Government of Australia submitted the following views:

1. The Australian Government is supportive of the 1993 World Conference on Human Rights, in the expectation that it will provide an impulse towards a major improvement in human rights observance around the world. To achieve this end, the Conference should be pragmatic, rather than theoretical, in orientation. It should be based on a spirit of cooperation and preparation should be thorough.

2. The Conference will provide an opportunity for the international community to confirm the importance of international activity in the field of human rights. It should reaffirm the enduring value of the international instruments and mechanisms which have been developed over the years, particularly the International Bill of Human Rights and the Commission on Human Rights' system of country and thematic rapporteurs.

Outcomes

3. Australia would see the following as among desirable practical outcomes of the Conference:

(a) Broader and deeper awareness and understanding of human rights, through enhanced human rights teaching and information activities, reaching all sectors of society, including the workplace;

(b) Increased commitment by governments to respect for internationally accepted standards of human rights, inluding ratifications of human rights instruments;

(c) Expansion of the advisory services/technical assistance programme, so that it forms a major part of the work of the United Nations in the field of human rights;

(d) Further increases in the resources available for the human rights activities of the United Nations;

(e) Measures to enhance the effective functioning of human rights treaty bodies - both the provision of a better financial base for those treaty bodies facing difficulties and improved compliance by States parties with their obligations;

(f) Concrete measures to promote the establishment or improvement of national institutions and regional arrangements;

(g) Measures to ensure the effective coordination within the United Nations system of all matters relating to human rights;

(h) Reaffirmation of the fundamental role of non-governmental organizations in the promotion and protection of human rights - the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms should be adopted in 1993 to add significance to the human rights activities of the year.

Issues

4. As regards issues to be addressed, the Australian Government considers that the Conference should confirm the universality of fundamental human rights. The Conference could usefully address the issue of the responsibility of States to promote and protect human rights worldwide, drawing on the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international instruments and United Nations decisions.

5. It should also reaffirm the interrelationship between civil and political rights and economic, social and cultural rights. This should encompass an enhanced awareness of the meaning of this interrelationship - including that lack of resources can impede the realization of human rights and that failure to observe human rights principles can impede development and economic growth.

6. Australia considers it important that the Conference should encourage more effective popular participation as a means of promoting the observance of human rights and fundamental freedoms. This should include the promotion of democratic political institutions, as well as participation in the realization of economic, social and cultural rights.

7. Other issues the Conference should address include the development of effective approaches to questions involving the rights of minorities, the need for intensified efforts to deal with human rights problems affecting indigenous peoples (bearing in mind that 1993 will also be the International Year for the World's Indigenous People) and the human rights problems associated with mass movements of people. In the latter case the linkage between violations of human rights and outflows/internal displacement underlines the need for consideration of the responsibilities to the international community of States concerned and of intensified United Nations action to resolve these problems.

Preparation

8. United Nations General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30 provide clear and useful guidelines for the substantive content of and the preparations for the Conference. They should be closely adhered to.

9. In general, the preparations should be accelerated through close intergovernmental consultation between sessions of the Preparatory Committee. The objective should be to ensure that major questions are settled before the Conference itself begins.

10. The first session of the Preparatory Committee should focus on administrative and financial questions and consideration of substantive questions should be deferred until the following session.

11. To contain costs, Preparatory Committee meetings should take place only in Geneva. Technical preparations should also be centred in Geneva. However, in order to ensure wide participation in the preparations, and in accordance with paragraph 3 of General Assembly resolution 45/155, the Preparatory Committee should call upon Governments, regional organizations, national and international non-governmental organizations, intergovernmental organizations and specialized agencies to organize activities during the period leading up to the Conference. The results of these activities should be communicated to the Preparatory Committee so that they can contribute to the Conference preparations. As far as possible, these activities should be financed on an extrabudgetary basis.

12. In connection with the above point, greater efforts should be made by the United Nations, member States, specialized agencies and regional and international organizations and non-governmental organizations to publicize the Conference. The bureau of the Preparatory Committee should preferably be elected for the whole preparatory period. States should work towards achieving agreement on bureau membership and the distribution of offices prior to the opening of the Preparatory Committee session. They should also work towards achieving agreement on the agenda for each session prior to its opening. Time-limits on statements should be strictly adhered to. Wherever possible, submissions should be made in writing.

CUBA

The Government of Cuba submitted the following views:

1. A world conference on human rights is necessary because much still remains to be done in order to achieve real cooperation in this field, and because there is an intensification of the unfortunate trend towards indiscriminate politicization of certain topics and the use of human rights by certain countries to single out certain underdeveloped countries and attack them on purely political grounds.

2. Consequently, the Government of Cuba is concerned that, far from encouraging and promoting international cooperation in this sensitive area, formulas are instead being advanced for interfering in the internal affairs of States. The topic is being used as a facade to conceal actions of coercion and blackmail against sovereign countries, or to impose patterns and models which are irrelevant to the history, traditions and cultures of third world peoples.

3. The 1993 World Conference should therefore be the forum for examining, not only what has been achieved in this field since the International Conference on Human Rights at Tehran in 1968, but also what has not yet been achieved, with the object of seeking solutions, setting priorities, and above all, getting back on track.

4. The Government of the Republic of Cuba feels that the basis and the programme for a frank and objective discussion of these problems should necessarily include the following elements:

(a) All human rights and fundamental freedoms are inalienable, indivisible and interdependent; the genuine and full achievement of any one group or category of them is inconceivable without the realization of the others. However, for the developing world, solution of the problems of development, illiteracy, malnutrition and ill-health is a basic and indispensable prerequisite for the full realization and exercise of civil and political rights.

(b) There must be unconditional respect for the principle of equal rights and self-determination. This includes the right of all peoples and nations freely to determine their political status, without external interference, and to seek their economic, social and cultural development in order to achieve the effective realization of all human rights and fundamental freedoms.

(c) Any action by the United Nations in this field must not only be based on a thorough understanding of the wide range of problems that exist in all societies and on full respect for the political, economic and social situations of each one, but must also be consistent with the principles established in Article 2 of the Charter of the United Nations and the overall basic goal that is being sought in this field, namely, through international cooperation to solve humanitarian international problems, to achieve development and promote the rights and freedoms of all.

(d) It should be recognized that utilization of the question of human rights for political ends is an extremely serious obstacle to practical solutions in this area, that it prevents the creation of a climate of détente, peace and cooperation among States and that consequently, it is a major impediment to the promotion, protection and attainment of basic rights and freedoms. Non-selectivity, impartiality and objectivity should govern all multilateral action in this field.

(e) It is necessary again to emphasize the duty of all States to refrain from distorting human rights issues and exploiting them in order to interfere in the internal affairs of States, to exercise pressure over them or to sow distrust and create disorder within States or groups of States or among the latter.

(f) The highest priority should continue to be given to the discussion of and search for practical solutions to problems of massive and flagrant violations of the human rights of peoples and individuals affected by situations such as those created by apartheid, all forms of racial discrimination, colonialism, domination and foreign occupation, aggression and threats against national sovereignty, and by the continuance of a profoundly unjust international economic order, which even more gravely affects the real opportunities for dozens of third world nations to achieve full realization of the human rights of their citizens.

(g) It is necessary to examine the link between development and the universal enjoyment of both economic, social and cultural rights and civil and political rights, and to identify the obstacles blocking further progress in this area and the means of overcoming them. The growing disparity between the economically developed countries and the developing countries is preventing the realization of human rights in the international community. Since the Development Decades have not attained their modest goals, it is even more imperative for each country, and particularly the developed ones, to help by all possible means to remove this disparity.

(h) In this connection, an assessment should be made of the consequences for development and the enjoyment of human rights of peoples that political and economic coercion measures have had and are still having, especially measures such as the blockades, embargoes and boycotts imposed by certain developed countries against developing countries.

5. The Government of the Republic of Cuba wishes therefore to endorse the content and scope of two extremely important General Assembly resolutions, namely resolution 32/130 entitled "Alternative approaches, and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" and resolution 36/103 entitled "Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States". The postulates of these two resolutions should serve as a starting point for the debate, because the circumstances which led to their adoption not only subsist, but have worsened, in particular the ever-widening gap between the poor countries of the South and the rich nations of the North.

THE HOLY SEE

The Holy See submitted the following views:

1. In his address to the International Conference on Human Rights at Tehran in 1968, His Holiness Pope Paul VI said: "To speak of human rights is to affirm a common good of mankind, it means working to build a fraternal community" (15 April 1968). This statement is more valid than ever today, as the conscience of mankind is now highly sensitive to the issue of human rights and they have become fundamental to man's search for reconciliation and peace. A long distance has been covered since the Tehran Conference, but much still remains to be done for human rights to be effectively recognized and respected throughout the world.

2. The period since the adoption of the Universal Declaration of Human Rights can be divided into three phases. During the first phase, progress was made in work of a legislative nature by the international organizations, in an essentially institutional framework, with the aim of more clearly defining the rights proclaimed in the Universal Declaration and expanding them further.

3. This phase, which was characterized in particular by the activity of experts and governmental representatives, was followed by a period which began with the Tehran Conference and was marked by a greater interest in human rights, with closer attention being given to the problem of violation of those rights. This led to progressive expansion and dissemination of the concept to increasingly wider sectors of world public opinion, at least in the Western countries. It was discovered that the topic could make an impact on foreign policy choices but, unfortunately, it was also discovered that human rights could be effectively used as a new weapon in the political and ideological confrontation taking place throughout the world, to the detriment of true respect for these rights within countries. It is indeed a paradox that the effective protection of human rights sometimes appears to be in inverse proportion to the length of the debates on the subject.

4. A third phase, which began in the early 1980s, took a more definite form at the end of that decade, during which major political changes took place in several countries. This present period could be described as a period of maturing. One section of public opinion that has been subjected by the communications media to selective condemnations of human rights or to misleading manipulation of their interpretation seems to be afflicted with a kind of apathy. This does not mean that the cause of human rights has lost its importance. Rather it shows clearly that different priorities should be set. It is no longer enough to draw attention to human rights. What is needed is to find the root of the problems and to do this a veritable education programme must be undertaken. Here the Holy See is in a position to make a valuable contribution, through the social education and the pastoral services of the Catholic Church, to the performance of this long-term but vitally important task.

5. The context in which the forthcoming World Conference on Human Rights is being prepared offers encouraging prospects and gives rise to well-founded hopes. The time of sterile polemics over the relative importance of the various categories of human rights appears to be over. The annex to resolution 1991/30 adopted by the Commission on Human Rights at its forty-seventh session very appropriately highlights "the equal importance and indivisibility of all categories of human rights, as well as the interrelationship between human rights, democracy and development in full respect for the Charter of the United Nations" (para. 2). Continued reference to an order of precedence among these categories of rights is now indicative of reluctance to defend and promote human rights more effectively, as recommended in the annex referred to above (see para. 4).

6. It is, moreover, obvious that a distinction has to be made between "primordial human rights", such as the right to life, and "fundamental human rights", such as the right to work or to health care. Whereas the former must be respected always and everywhere, the latter are observed only where certain specific conditions are met. It is to be hoped that the page of ideological clashes masking more or less unacknowledgeable interests can now be turned once and for all. For those working to promote human rights this represents a goal which demands the cooperation of everyone, in a spirit of goodwill, mutual trust and genuine concern for human beings.

7. Here are a few ideas, which the Holy See would like to submit to the Preparatory Committee, on the principles that should guide the forthcoming World Conference:

(a) Certain human rights are "natural" rights

If, as article 1 of the Universal Declaration of Human Rights solemnly proclaims "All human beings are born free and equal in dignity and rights", it follows that human rights existed prior to the formation of the State. In other words, the State is not required to grant any "recognition" of these rights, because they must necessarily derive from the dignity, that is inherent in every human being, who is independent of the State structures. In the Christian doctrine, this dignity is based on the fact that man was created "in the image of God". The State, on the other hand, has a duty to promote and defend the full exercise of and effective respect for human rights.

(b) Universality of human rights

There is one constantly growing criticism of the Universal Declaration which could be termed "relativist" and it began with the observation that the United Nations of 1948 could not genuinely claim to represent the entire world. The Universal Declaration is criticized for failing to reflect all the various cultural traditions. However, it cannot be said exactly how the framers of the Declaration specifically contradicted the value systems or civilizations that were unable to participate in the debates of 1948. This criticism has often served as the pretext for practices that show little regard for human rights. The universality of human rights should be reasserted emphatically on the basis of the unquestionable truth that all human beings are the same in nature.

(c) Rights and obligations: two sides of the same coin

On the question of duties it is generally article 29 of the Declaration that is cited. However, it is too easily forgotten that article 1 affirms that all human beings "should act towards one another in a spirit of brotherhood". At a time when a sort of inflation of rights is sometimes to be observed, it is desirable to point out that rights will remain a dead letter if, at the same time, the obligations and responsibilities of each and everyone, in other words the moral dimension of human rights, are not more clearly perceived.

(d) The collective dimension of human rights

The broadening of the concept of human rights has fortunately widened the scope of their application. One can therefore speak of a collective dimension of these rights from two viewpoints: on the one hand, there are collective subjects of rights, such as the family, minorities, peoples and nations and, on the other, there are rights which belong both to the individual and to the community, such as the right to peace, the right to development and the right to security in the environment.

(e) The importance of freedom of conscience and freedom of religion

In the opinion of the Holy See, this is a "radical" right, in the sense that it is at the "root" of any edifice of human rights because it affects the primordial relationship of the human being with his Creator. The Catholic Church defends religious freedom disinterestedly for every religion, because it is the most profound expression of freedom of conscience. It is unacceptable that certain religious faiths refuse to accept the principle of changing one's religion - if the decision has been taken deliberately and freely according to the dictates of the conscience of a person seeking the truth - when article 18 of the Universal Declaration explicitly recognizes this right.

(f) Primacy of the right to life

It is not fortuitous that this right is the first in the list of rights set forth in the Universal Declaration (article 3), because, in fact, it is obvious that there can be no specific reference to human rights if there is no one entitled to these rights. In the opinion of the Holy See, this right belongs to every human being from the moment of his conception. It is with this belief that the Holy See acceded to the Convention on the Rights of the Child, the preamble of which rightly recalls the need for the child to have "appropriate legal protection, before as well as after birth". It is also this belief that led the Holy See to reject as unacceptable any practice of euthanasia or any other similar form of aggression against life.

(g) Violations of human rights

The first formulation of human rights in modern history was prompted by a reaction against the arbitrary concept that the State has absolute power and it is still often believed that these rights may be asserted only vis-à-vis the public authorities. However, we now see violations of human rights being perpetrated by groups which are not responsible to the State and which even attack the representatives of the State, notwithstanding the fact that the latter's role is to protect the rights of its citizens. These are very serious developments which take the form of terrorism or organized crime. In some countries, certain areas are completely outside the control of the legitimate authorities. This is a threat to the functioning of any State governed by the rule of law, without which there can be no security for the people and therefore no protection of their rights. It would be desirable if the forthcoming World Conference on Human Rights could discuss this tragic situation.

(h) The efforts now being made to strengthen the present juridical regime in the area of human rights could include discussion of the desirability of setting up a world body to which individuals or communities could appeal against violations of human rights.

JAMAICA

The Government of Jamaica submitted the following views:

It is important that the preparation for the World Conference on Human Rights be advanced on a basis which would take into account a number of fundamental principles which are reflected in the concerns expressed regarding the formulation and implementation of human rights. These principles include the following:

(i) That all human rights are indivisible and interrelated, and that, in particular, the enjoyment of economic, social and cultural rights at a basic minimum level which is fundamental to the human condition should receive increasing attention and support if the conditions for the enjoyment of civil and political rights are to be created.

(ii) The interrelationship between human rights and development, including the protection of the environment, must be emphasized. Sustainable development within the framework of the right to a reasonable standard of living, including the right to food, housing, education and shelter, must come to terms with the reality that unless industrialized countries are prepared to allocate significant resources to developing countries for the protection of the environment, there will continue to be a dilemma in which in many developing countries the choice on issues such as pollution will be a stark choice between starvation and suffocation.

(iii) The Preparatory Committee should, in keeping with United Nations General Assembly resolution 45/155, ensure that the organization of the work of the Conference is adequate to address, inter alia:

(a) The identification of the obstacles, and ways in which they can be overcome to further progress in the field of human rights;

(b) The examination of the relationship between development and the enjoyment by everyone of economic, social and cultural rights, as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights;

(c) The examination of ways and means to improve implementation of existing human rights standards and instruments;

(d) The evaluation of the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

(e) The formulation of concrete recommendations for improving, through programmes, the effectiveness of United Nations activities and mechanisms in the field of human rights; and

(f) The making of recommendations for ensuring the necessary financial and other resources for United Nations activities for the promotion and protection of human rights and fundamental freedoms.

LUXEMBOURG

The Permanent Mission of Luxembourg to the United Nations Office at Geneva submitted the following views on behalf of the 12 member States of the European Community:

1. Respect for human rights is one of the pillars of European political cooperation and the 12 member States of the Community, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and the United Kingdom have therefore decided to submit their views and recommendations to the Secretary-General in a joint reply.

2. In their submission, the community and its member States make a distinction between the preparatory phase on the one hand and the Conference itself on the other, and also between questions of substance and procedural matters.

Questions of substance

3. With respect to the substantive aspects of the preparatory phase, they believe that the first priority during the coming period must be to ensure that human rights and fundamental freedoms, as recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, are effectively respected. This substantive work should be carried out in the spirit of openness which has marked the negotiations since this initiative was launched.

4. In their letter of 29 June 1990 to the Secretary-General, the Twelve listed a number of points which should, in their view, be included in this discussion. These are:

(a) The status of ratification and implementation of United Nations legal instruments relating to human rights;

(b) The full implementation of existing human rights and fundamental freedoms, in particular:

(i) measures to enhance the effectiveness of United Nations programmes concerning human rights, such as the programme of advisory services and technical assistance, by examining, inter alia, the contribution which other United Nations agencies can make;

(ii) measures to increase the effectiveness of the monitoring and supervision machinery of the treaty bodies and of the Commission on Human Rights in pursuance of the Economic and Social Council resolution to this effect adopted at the 1990 session of the Council;

(iii) the question of availability of the necessary financial resources.

(c) Education and training in the establishment of human rights norms and the universal dissemination of such norms;

(d) The establishment and strengthening of regional human rights institutions;

(e) The establishment and strengthening of national infrastructures and institutions operating in the area of human rights.

5. The Twelve also consider that the link between democracy, human rights and sustained development has become increasingly clear and important within the framework of international cooperation. Respect for human rights, the primacy of law, political pluralism and effective, responsible and democratically legitimate political institutions are considered to form the basis of all economic development and all equitable redistribution.

6. The Community and its member States believe that the chairmen of the bodies responsible for monitoring the implementation of international instruments, as well as the special rapporteurs, the working groups and the regional institutions, should be closely involved in the entire preparatory process. They attach particular importance to specific contributions being made by the non-governmental organizations to the preparatory work and to their active participation in the Conference itself.

7. Thus, by the time the preparatory phase ends, the Conference should have a clear and precise picture that will enable it to work effectively towards the adoption of a substantial final document representing consensus views.

Procedural matters

8. With regard to procedural matters connected with the preparatory phase, it is important that the arrangements worked out during and between the sessions of the Preparatory Committee should enable the participating countries to work under the best possible conditions. To that end, the Twelve feel that the Preparatory Committee should meet only as and when necessary. Continuity in the preparatory work is one of the conditions which will determine the success of the 1993 Conference. The bureau of the Preparatory Committee should therefore remain in charge during this entire phase. Furthermore, the Twelve believe that the Centre for Human Rights at Geneva could play a role between the sessions of the Preparatory Committee so that unduly long intervals between the meetings of the Committee do not impair the quality of the preparatory work. In that connection, it would be useful if the various sessions of the Preparatory Committee could be held in Geneva.

9. Concerning the Conference itself, its procedural aspects, the Community and its member States would favour a high-level meeting. This would, of course, mean that the Conference would be of relatively short duration. Having regard to the profound historical changes which have occurred in Europe in the past few years, changes which have, above all, benefited human rights and fundamental freedoms, the Community and its member States welcome the offer made by the Government of Germany to hold the Conference in the formerly divided city of Berlin.

10. Lastly, although it might be premature at this stage to make any definite assumptions about the substantive debate to take place at the Conference, the Community and its member States think that the latter should focus on the finalization, adoption and dissemination of the conclusions reached and the recommendations agreed upon during the preparatory phase.

NAMIBIA

The Government of Namibia submitted the following views:

A. COMMENTS

1. Lack of awareness of human rights in developing countries

1.1. The notion of human rights, including the means for their protection, implementation and enjoyment, has not seeped through to the most important strata of society, particularly in the developing or so-called third world countries, although the people at these levels of society are particularly prone to human rights abuses. Very little has been done to propagate the idea of human rights among these "high-risk" members of society.

1.2. Participants at high-level conferences on human rights are drawn invariably from sections of society which are the least likely to have their rights trampled upon with impunity. But these participants do little to spread the word, as it were, to reach many of their compatriots who need the message most.

1.3. If this trend is not reversed, the idea of human rights will remain an elitist concept whose practical realization will only help those members of society who are comparatively able to ensure that their rights are not breached, i.e. people who are capable of protecting their rights from being encroached upon.

2. Danger of bureaucratic despotism in developing countries

2.1. In their endeavour to achieve rapid socio-economic development and social justice, most Governments of developing countries have intervened in vast areas of the social and economic lives of their countries. The upshot of this situation has been the corresponding increase of uncontrolled power of public administrators over the lives of the people. Thus bureaucratic despotism has indubitably become one of the greatest dangers to the effective implementation of human rights and their widespread enjoyment by the great majority of people in most developing countries.

3. Limited judicial protection

3.1. Judicial processes and procedures remain highly technical, stereotyped and above all too expensive, thus making the protection of human rights by the courts beyond the reach of the average citizens of most developing countries.

B. RECOMMENDATIONS

4. The World Conference on Human Rights should address these problems or issues with a view to identifying concrete and pragmatic methods which could be used to solve those problems and thus enhance the effective promotion and enjoyment of human rights by the great majority of people. The Conference should therefore pay particular attention in its deliberations to the following:

4.1. Dissemination of information on human rights

There is a need to disseminate the idea of human rights to a wider audience, particularly at the grassroots level, so as to make as many people as possible aware of their rights and freedoms. There should be sustained and comprehensive national human rights workshops and seminars involving people who by their profession or vocation are able to spread the word, namely, teachers, trade union leaders, journalists, social workers, clergymen and other religious leaders, etc.

4.2. Teaching of human rights in schools

Human rights should be taught as a subject in schools and other educational institutions, particularly at the secondary level. It is therefore necessary for the United Nations Commission on Human Rights, in conjunction with UNESCO, to work out useful curricula that would be beneficial to the students.

4.3. Human rights workshops for relevant pu ic servants

Human rights workshops should be conducted at the national and subnational levels for those public servants who by the nature of their work are more likely to encroach upon the rights and freedoms of persons. The target group of such workshops should be: military personnel, police officers, prison officers, immigration and customs officers, judicial officers (magistrates or similar lower court officers), etc.

4.4. The need for justiciable human rights

Governments should be encouraged to incorporate the protection and promotion of human rights and freedoms in their national constitutions so as to make them justiciable. These rights and freedoms should not be limited to political and civil rights but should also include economic, social and cultural rights, and in order to protect citizens from bureaucratic despotism, the constitutionally protected rights should include the right to administrative justice as provided for in some constitutions like the Namibian Constitution or in some human rights charters like the Canadian Bill of Rights.

4.5. Extrajudicial protection of human rights

Governments should be encouraged to establish or assist in the establishment of governmental or non-governmental extrajudicial institutions which could quickly deal with citizens' complaints on human rights abuses

without any lengthy and complicated formalities and procedures. In Namibia the privately-sponsored Legal Assistance Centre and the State-sponsored Legal Aid Directorate of the Ministry of Justice and the Ombudsman are examples of such bodies.

NEW ZEALAND

The Government of New Zealand submitted the following views:

1. The Government of New Zealand is a strong supporter of the World Conference on Human Rights.

2. We believe that the commitment of the international community to the promotion and protection of human rights, as demonstrated by the impressive array of human rights mechanisms over which the United Nations presides, and the acknowledgement from all regions that human rights are a legitimate preoccupation of the international community, have significantly increased in recent years. At the same time, however, and in spite of the commitments which Governments have made, human rights abuses continue in many parts of the world.

3. The World Conference will give us all an opportunity to take a long hard look at what has been achieved and, we hope, to apply some creative thinking to the best way to move forward in the field of human rights in the coming decades. This will require imagination, courage and political will.

4. In General Assembly resolution 45/155, paragraph 1, a number of objectives for the World Conference are identified. It will be crucial in the preparatory process to have these objectives always in mind. We should, at the outset, also have some idea of the outcomes that we wish to achieve. We would like to outline some preliminary thoughts in this respect.

(a) To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area;

Comment

We would like to see a clear understanding emerge from the World Conference of the major obstacles to universal implementation of human rights standards, the necessary steps needed to overcome these obstacles and a commitment on the part of Governments to take those steps.

(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights;

Comment

A useful outcome to this objective would be increased liaison between the United Nations and other international development and financial agencies such as the International Monetary Fund (IMF) and the World Bank. There also needs to be a strong acknowledgement of the direct relationship between high levels of human freedom and successful development strategies. At the national level, development assistance agencies should include strategies for starting or improving participatory development programmes.

(c) To examine ways and means to improve implementation of existing human rights standards and instruments;

Comment

This is also a key objective of the New Zealand Government's human rights policy. In our view, standard setting in the field of human rights is largely complete (an important exception to this is the draft declaration on indigenous rights) and this should be acknowledged by the World Conference. Governments should express their political commitment to implement fully existing standards at the national level through institutions, legislation, etc. Education and training are crucial to the fulfilment of this objective and it follows that the United Nations will need increased financial resources to assist Governments in implementation.

(d) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

(e) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

Comment

Objective (e) flows directly from (d). Fulfilment of objective (e) should take a high priority in our view.

With respect to the treaty bodies we believe that there needs to be greater coherence and avoidance of duplication. Rationalization should lead to a more efficient use of resources. The meetings of the chairpersons of treaty bodies have already made some valuable recommendations in this area.

Our Government understands that for many countries resources are a real problem in meeting treaty reporting obligations. It might be worthwhile to prepare an analysis of the obstacles that States, particularly those which are small and poor, face when considering acceding to the international human rights instruments. The international community will need to assist States to overcome these obstacles if the goal of universal accession to the major human rights instruments is to be achieved.

There is much to be learnt from the experience both of other organizations in the United Nations family and regional organizations in the field of human rights. The establishment of a mechanism which would allow cross-pollination of experience could well be useful.

As to the ad hoc mechanisms or "special procedures" such as special rapporteurs and thematic working groups, the World Conference could reaffirm the duty of States to cooperate with these bodies.

We would also welcome the emergence of specific recommendations from the Conference on means to streamline and improve the effectiveness of these mechanisms.

Consideration might also be given to taking the process one step further and looking at whether a compulsory mechanism of some description might be of value.

(f) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms;

Comment

It is clear that with the dramatic increase in its responsibilities over the years, the Centre for Human Rights is struggling to keep up and needs more resources. A strong statement from the Conference to this effect would be desirable. In particular, the Government of New Zealand thinks the advisory services programme is extremely valuable and deserves additional resources.

New Zealand has consistently held that States parties must live up to their financial obligations in respect of the treaty bodies. However the unacceptable situation now facing these treaty bodies, and most notably the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination Against Women (CEDAW), must be addressed in a way that will bring practical long-term relief of the financial burdens under which they are currently operating. Financial constraints must not be permitted to continue to impair the ability of the treaty bodies to carry out their vital monitoring role. Future funding of the treaty bodies from the United Nations general budget is one option which could usefully be explored.

NORWAY

The Government of Norway submitted the following views:

1. Norway welcomes the wide interest shown by States Members of the United Nations in convening at a high level the World Conference on Human Rights in 1993. United Nations General Assembly resolution 45/155 broadly outlines the objectives of the Conference. In order to achieve a meaningful and substantive outcome of this major event, thorough and extensive preparations in a spirit of true cooperation would be necessary. Norway wishes to participate in the preparatory process hoping that the Conference will stand out as a major step forward in the observance of human rights worldwide.

2. Norway would support constructive approaches contributing to better protection and more effective implementation of human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. By reaffirming the enduring value of these instruments and the universality of the international human rights norms the Conference should aim at strengthening human rights at the national level, as well as the machinery which has gradually developed at the international level. A major objective would be to strengthen the availability of the different parts of the human rights programme of the United Nations to individuals and groups of individuals at the national level.

3. Norway welcomes the fact that human rights issues over the years have become more prominent on the international agenda. The Conference will in this regard also provide an opportunity to enhance further the human rights dimension in the overall work programme of the United Nations. The international community is witnessing a growing commitment to multilateralism, and a demand for a more effective United Nations is emerging also in regard to the promotion and protection of human rights. Norway hopes the Conference may identify new constructive approaches in this area based on recognition of the fact that respect for human rights is also to be seen as a confidence building measure and a means of preventing conflicts.

4. The Conference will examine the relationship between development and the enjoyment of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants. This involves a complex set of issues that deserve careful consideration. In this regard Norway considers the links between human rights, democratic institutions, the rule of law and development to be significant.

5. The principle of free and meaningful participation of all segments of the population in the political, economic, social and cultural development of society, as well as the role of democratic institutions in promoting sustainable development and human rights, should be confirmed and strengthened.

6. Norway would also like the Conference to focus on various practical measures towards strengthening the implementation of human rights:

(i) Strengthening of the special procedures, i.e. thematic and country rapporteurs, established by the Commission on Human Rights, as well as measures to ensure the effective functioning of the human rights treaty bodies and coordination between them. The Conference should promote accession to the Covenants and the protocols as well as to other international instruments in the field of human rights.

(ii) The programme of advisory services and technical cooperation in the area of human rights should be strengthened. Coordination between the Centre for Human Rights and relevant United Nations agencies and development organizations should be increased. The strengthening of the catalytic role of the Centre for Human Rights would be important in this regard.

(iii) Increased emphasis should be put on public information and teaching materials, and on ways to make effective use of them.

(iv) The Centre for Human Rights should be given increased resources to fulfil its multifaceted mandates. Complementarity of activities should be ensured.

(v) The fundamental role of non-governmental organizations in promoting human rights should be fully recognized.

(vi) Measures to safeguard the rights and protection of vulnerable groups such as minorities and indigenous peoples should be further explored.

(vii) Special attention should be given to combatting the persistent occurrence of torture, maltreatment, arbitrary detention, disappearances and summary or arbitrary executions.

7. As far as organizational matters pertaining to the preparatory process are concerned, Norway would be in favour of a single bureau for the subsequent sessions of the Preparatory Committee. It would seem advantageous to continue to hold the meetings of the Preparatory Committee in Geneva. Broad and active NGO participation and contributions from the treaty bodies and the special rapporteurs of the Commission on Human Rights would be highly desirable. Norway would suggest that organizational matters be given first priority at the coming session of the Preparatory Committee. It is nevertheless our hope that the exchange of views on issues to be considered by the Conference can continue in order to get the preparatory process well under way.

RWANDA

The Government of Rwanda submitted the following views:

1. The Government of Rwanda supports universal and effective respect for human rights and fundamental freedoms for all without distinction as to race, sex or religion. Rwanda is a State governed by the rule of law and the organization of its society is based on a set of laws which establish the conditions under which the State, and in particular the judiciary, shall ensure protection of and respect for individual rights and freedoms.

2. To this end, the the Government of Rwanda is encouraging international cooperative efforts contributing to the promotion and practical implementation and protection of all fundamental rights and freedoms and creating the best conditions enabling every individual to enjoy these rights and freedoms, which are indivisible and closely interrelated.

3. The Government of Rwanda therefore welcomes and supports the holding of the World Conference on Human Rights and wishes to take an active part in all the preparatory work in order to make a real contribution to its success. However, because of its serious economic situation and the state of war existing in the country since 1 October 1990, Rwanda is not in a position to

contribute financially to the work of this Conference. Because of this situation also, the Government of Rwanda is making an official request to the Secretary-General of the United Nations for the Organization to finance a Rwandan delegation of two persons to participate in the preparatory work of the Conference and in the Conference itself.

SENEGAL

The Government of Senegal submitted the following views:

1. Since the adoption of the Universal Declaration of Human Rights, the international community has made considerable progress in developing international instruments for the protection of, respect for and promotion of human rights. However, it has not yet succeeded in putting an end to flagrant and massive violations of human rights. Summary and arbitrary executions, involuntary disappearances, torture, widespread poverty and illiteracy are still rife in many regions of the world.

2. If the international instruments are to have an effect on people's daily lives several changes must be made at the national and international levels, and appropriate means established for the promotion and protection of human rights.

3. The Government of Senegal therefore considers that the preparations for the World Conference should have as their primary aim an exhaustive evaluation of the effectiveness of all the mechanisms and methods used so far to secure accession to and implementation of the international conventions on human rights, identification of the obstacles encountered in the execution of programmes and formulation of specific proposals for ensuring more effective implementation of the international norms adopted in this field.

4. In this connection, the Government of the Republic of Senegal wishes to make the following proposals to the Preparatory Committee:

(a) A thorough interdisciplinary evaluation should be made of the effectiveness of the present international machinery for the promotion and protection of human rights;

(b) Serious consultations should be held with a view to arriving at a genuine consensus on:

(i) the links between enjoyment of civil and political rights and enjoyment of economic and social rights;

(ii) ways of developing opportunities for cooperation and coordination in the work of the committees responsible for the implementation of the conventions relating to these two categories of rights;

(iii) the need to highlight and recognize the vital importance of enjoyment of certain economic rights, the non-observance of which endangers the fundamental right to life;

(c) A working method should be established to ensure effective coordination between the different agencies in the United Nations system that are involved in the areas of trade, technical assistance, peace, the environment, education and human rights;

(d) The recommendations of the global consultation on implementation of the right to development as a human right should be put into effect;

(e) More effective means should be explored for the dissemination and extension of human rights teaching and information concerning the activities of the institutions working in this field.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

The Government of the Ukrainian Soviet Socialist Republic submitted the following views:

1. The Ukrainian SSR welcomes the holding of a World Conference on Human Rights in 1993, and is determined to play an active part in the preparations for the Conference and the Conference itself. It believes that the successful execution of the decisions of the Conference will depend to a significant extent on how far the range of topics put forward for consideration corresponds to the vital interests of States and fits within the international community's overall strategy for the protection and promotion of basic human rights and freedoms.

2. We fully support efforts by the General Assembly and the Commission on Human Rights, as the agenda for the World Conference is drawn up, to devise approaches which will enable the maximum number of current human rights problems and the ways of dealing with them to be covered. These approaches are set forth in condensed form in the annex to Commission on Human Rights resolution 1991/30, which the Ukrainian SSR sponsored along with the overwhelming majority of members of the Commission. In the context of the recommendations made to the Preparatory Committee by the Commission on Human Rights in that resolution, it is worthwhile looking at a range of issues which will in all probability come under general discussion at the Conference itself.

3. While it supports the idea of holding a World Conference on Human Rights as proposed by the General Assembly and the Commission on Human Rights, the Ukrainian SSR believes it essential to draw attention to some individual issues which have not been duly reflected in the Commission's recommendations to the Preparatory Committee. Discussion of these issues both at the Conference itself and in the meetings of the Preparatory Committee will, in our view, assist in the formulation of a comprehensive approach to human rights problems, and thereby make for more effective execution of the decisions adopted at the World Conference.

4. First, the effectiveness of the entire system of United Nations human rights bodies, together with an increase in the coordinating role of the Centre for Human Rights and a clarification of the specific areas of authority of each body, merits detailed consideration. The resolutions on these

subjects adopted by the Commission on Human Rights in recent years could serve as a basis for discussion. Effective decisions on this subject would give a boost to the activities of the relevant United Nations bodies and specialized agencies concerned with human rights matters.

5. It would be sensible to allow time for a discussion at the World Conference and in the Preparatory Committee on the activities of the special rapporteurs of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Recently it has not been uncommon for their reports to be unjustifiably delayed, and in a number of cases the topics investigated have ceased to be of pressing interest even before the investigation has been completed. It must be borne in mind that the activities of the special rapporteurs, experts and special representatives entail serious financial outlays which are not always in proportion to the results achieved.

6. In the view of the Ukrainian SSR, the time has come to confront head-on the need for States to bring their domestic legislation into line with current international human rights standards. Experience shows that a simple increase in the number of international agreements in this area accomplishes little if it is not backed up by practical moves at the domestic level to pass the corresponding legislation and regulations.

7. The inclusion on the agenda of the World Conference of items on a fourth generation of human rights and, in particular, the codification of the vitally important group of environmental rights, would be extremely timely. In the context of discussions on this subject in the General Assembly and the Commission on Human Rights, conclusions and lessons drawn at the Conference would be useful from both a theoretical and a practical point of view.

8. Increasing the role of democratic institutions in the protection and promotion of human rights, notably such manifestations thereof as the supremacy of the law, the independence of the judiciary, free democratic elections and the division of powers, is a topic which merits attention. Hitherto this problem has not been widely discussed at the global level, although it has been mentioned in recent documents of the Conference on Security and Cooperation in Europe.

9. An important problem which should be discussed at the World Conference on Human Rights is the need to establish conventional standards on such matters as the protection of religious rights and freedoms, the protection of national, religious, ethnic and linguistic minorities, and responsibility for violations of human rights and fundamental freedoms. As of now there is no multilateral, legally binding agreement governing these matters.

10. In the view of the Ukrainian SSR, it would be in the interests of all States and of the international community as a whole to take account of these considerations. They fit naturally within the overall structure and substance of the recommendations to the Preparatory Committee made by the Commission on Human Rights.

UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the Union of Soviet Socialist Republics submitted the following views:

1. The Soviet Union considers that the forthcoming World Conference on Human Rights will be an important milestone in the development of international cooperation in the field of human rights. It will take place at a turning-point in modern history, when a new spirit is coming to prevail in relations among States, and will be called upon to make a substantial contribution towards affirming the principles for the building of a post-confrontational world order. In view of the profound changes taking place in many regions of the world, the Conference will need to appraise the progress made towards ensuring universal respect for human rights and freedoms, to identify unresolved problems, to establish basic guidelines for future joint efforts, to analyse the role and position in these processes of the United Nations system as a whole and of its agencies, and to outline measures to make the Organization's work more effective and better coordinated.

2. The Soviet Union supports the objectives and tasks of the World Conference as set forth in paragraph 1 of General Assembly resolution 45/155, which embrace the cardinal aspects of the world community's activities in the field of human rights. With those objectives in mind it will be possible to take decisions which will open up new prospects for the attainment of the ideals embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments.

3. The Conference's success and effectiveness will depend very much on the care taken in the preparations for it. In this regard, the Soviet Union attaches great importance to the recommendations agreed upon by the United Nations Commission on Human Rights at its forty-seventh session (annexed to resolution 1991/30), which set forth clear guidelines for the work of the Preparatory Committee.

4. The Soviet Union for its part intends to participate actively in the work of the Preparatory Committee, in order to do all it can to ensure the success of the World Conference on Human Rights.

UNITED STATES OF AMERICA

The Government of the United States of America submitted the following views:

1. The World Conference on Human Rights should be seen as an opportunity for the United Nations to make real progress towards improving the human rights of individuals around the globe. We urge the Preparatory Committee to establish its goals and agenda in the spirit of General Assembly resolution 45/155, which established the World Conference. In addition to reviewing and assessing progress made in the field of human rights, the Conference is charged with examining ways to improve implementation of existing human rights standards and instruments, as well as with evaluating the effectiveness of the methods and mechanisms used by the United Nations in this context.

2. These are important tasks. The United States is particularly concerned that the World Conference not become preoccupied with drafting exercises which add nothing to the existing body of human rights standards. Rather, we strongly support the focus in resolution 45/155 on improving the implementation of these standards.

3. In this regard, we urge the Preparatory Committee to keep in mind the fundamental importance of effectively guaranteeing and fully implementing civil and political rights. We would be particularly interested in exploring which existing United Nations mechanisms - or new proposals - might best help member States achieve this goal. In this connection, it would be useful for the Preparatory Committee to review the technical assistance programmes and the advisory services of the United Nations Centre for Human Rights. The World Conference may wish to strengthen programmes in some areas, such as training for police and military in human rights principles.

4. On procedural matters, the United States hopes that the Preparatory Committee will keep in mind that scarce United Nations resources are best directed toward real problems, rather than lengthy meetings. We would like to suggest that the World Conference meet for a maximum of two weeks, and suggest late June-early July of 1993 as a possible date.